

CONSERVATION COMMISSION MEETING MINUTES

July 6, 2021 at 6:30 p.m.
Virtual Meeting – 6:30 p.m.

This meeting will be conducted under the ‘*Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20*’, signed on March 12, 2020. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook

Page: www.facebook.com/AmesburyCommunityTelevision

Chairman Broadrick calls the July 6, 2021 Virtual Conservation Commission meeting to order at 6:30pm.

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Conservation Commission on July 6, 2021 is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.

A reminder that persons who would like to like to watch this meeting can do so on ACTV Channel 12, the ACTV website or the City of Amesbury Facebook Page: www.facebook.com/amesburyma

To submit a public comment, you may do so on the Facebook Live feed by beginning your comment with PUBLIC COMMENT. It will be read aloud at the appropriate time. Viewers may also email conservation@amesburyma.gov to submit a public comment. Individuals may call in at (646)749-3122
Access Code: 431-831-397

Chairman notes that tonight’s Conservation Commission meeting is being recorded by Amesbury Public Access Television; this legal step has been taken, but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.

Attendance: Michael Jewell, Kathy Pothier, Timothy Broadrick, and James Babbin

Also in attendance: Conservation Agent John Lopez, Robert Prokop, Curt Young of Wetlands Preservation, Inc, John Paulson of Atlantic Engineering, Robert Manseau,

Transcription by: Kathy Pothier

The Chairman, Timothy Broadrick takes attendance for the record:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

ADMINISTRATIVE

Enforcement Order 445-447 Main Street (Tjalsma)

Unauthorized development in a jurisdictional area (the Merrimack River).

Client representative requests to continue to the March 1, 2021 meeting to determine if the unauthorized hot tub is on an abutter property. Due to a perceived lack of quorum, EO moved to the August 2, 2021 meeting prior to the meeting starting.

Minor Modification (002-1260) –193 Lions Mouth Road (City of Amesbury)

Consolidate to one environmental monitor from BSC to be paid by the City of Amesbury through escrow.

All in favor 4-0

Continued Business

Notice of Intent (002-1290) – 268 Market Street (Sullivan)

Building a single family home on the site which is inside the 100' buffer zone. Robert Prokop of Wetland Consulting Services is representing the property owner. Because the work area is greater than 50' from the property owner is requesting monthly monitoring during construction.

A motion to approve the Notice of Intent for 268 Market Street was made with special conditions that monthly monitoring reports and additional reports if needed be submitted to Conservation Commission and that the site planting be monitored for 2 growing seasons by Vice Chairman Jewell, seconded by Commissioner Pothier and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Motion to close the hearing of NOI 002-1290 was made by Chairman Broadrick, All in favor.

Abbreviated Notice of Resource Area Delineation (002-1276) - 91 Macy Street (Yeo)

Consultant Curt Young of Wetlands Preservation, Inc. argued that the 2007 ANRAD was not expired and that the stream near 91 Macy Street was intermittent. Chairman Broadrick stated the need to continue to the August 2, 2021 meeting while the ANRAD undergoes peer review and response.

A motion to continue ANDRAD for 91 Macy Street to the August 2, 2021 meeting, was made by Vice Chairman Jewell seconded by Commissioner Pothier and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Notice of Intent (002-1279) - 9, 14, and 15 Estes Street (Zahoruiko)

The property owner requests to continue to the August 2, 2021 meeting while the NOI undergoes peer review.

A motion was made by Vice Chairman Jewell to continue NOI for 9, 14, and 15 Estes Street to the August 2, 2021 meeting, seconded by Commissioner Babbín and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbín	YES

Notice of Intent (002-1275) 445-447 Main Street (Tjalsma)

Unauthorized development in a jurisdictional area (the Merrimack River).

Client representative requests to continue to the August 2, 2021 meeting along with the EO.

A motion was made by Commissioner Babbín to continue NOI for 445-447 Main Street to the August 2, 2021 meeting, seconded by Vice Chairman Jewell and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbín	YES

Notice of Intent (002-1283) – 54 Lake Attitash Road (Manseau)

This plan is for improvements to the rear yard area of an existing single family home. They include the construction of a retaining wall, a pervious paver patio and walkways, the removal of 3 trees, the replacement of existing wood steps to the dock with proposed granite steps and cleaning and enhancements along the shoreline including the removal of invasive species and the planting of buffer zone friendly plants and shrubs. John Paulson of Atlantic Engineering represents the property owners.

All of the work is within a 25' buffer zone and will require 5 waivers including:

- Retaining wall withing 6' of Lake Attitash
- Fill behind the wall to grade
- Replacing wooded steps with granite
- Patio with 25' of Lake Attitash
- Restoration of existing stone wall along Lake Attitash

A peer review of the NOI application by a wetland scientist is needed. Continue to the August 2, 2021 meeting.

A motion to approve the NOI for 54 Lake Attitash was made by Commissioner Babbin, seconded by Vice Chairman Jewell and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

New Business

Request for Certificate of Compliance (002-1263) – 355 Main Street (Pugh)

Denise Hamel of GM2 Cammet represents the property owner, Gary Pugh. The Certificate of Compliance is for an Order of Conditions issued on August 19, 2020, DEP File Number 002-1263. The project was constructed in substantial compliance with the Order of Conditions with the following exceptions. 1. Arborvitae shrubs were planted along a portion of main street in lieu of an ornamental fence. 2. Inkberry Holly shrubs were planted along the front of the house in lieu of an ornamental stone wall. 3. The bocce ball court was never constructed. 4. The ornamental fence along the bank of the river was never constructed. 5. The existing flag stone walkways were replaced with paving stones that are spaced 2” apart.

A motion to grant a Certificate of Compliance for 355 Main Street was made by Vice Chairman Jewell, seconded by Commissioner Babbin and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Request for Certificate of Compliance (002-1056) – 91 High Street (Porter)

Drainage project – no work was done.

A motion to grant a CoC for 91 High Street was made by Vice Chairman Jewell, seconded by Commissioner Babbin and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Notice of Intent (002-xxxx) – 137 Kimball Road (Orr)

Robert Prokop of Wetland Consulting Services is the property owner representative. The Applicant would like to construct a house addition at his residence located within the 100’ wetlands buffer zone to

Meadowbrook Pond. The Department of Environmental Protection has not yet assigned a tracking number to this project so it must be continuing to August 2, 2021.

A motion to continue NOI 002-xxxx for 137 Kimball Road to the August 2, 2021 meeting was made by Vice Chairman Jewell, seconded by Commissioner Pothier and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Request for Determination of Applicability – 110 Haverhill Road (Boston North Technology)
Site Improvements requested. Because the applicant did not notify abutters, continue to August 2, 2021.

A motion to continue the RDA for 110 Haverhill Road to the August 2, 2021 meeting was made by Commissioner Babbin, seconded by Vice Chairman Jewell and approved by Rollcall Vote 4-0.

The Chairman, Timothy Broadrick called the Rollcall Vote:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Minutes

There were no meeting minutes available to approve.

A motion to close the Conservation Commission is made by Vice Chairman Jewell at 8:23pm, seconded by Commissioner Pothier.

Chairman Timothy Broadrick takes vote for the record:

Timothy Broadrick	YES
Michael Jewell	YES
Kathy Pothier	YES
James Babbin	YES

Per the Massachusetts Open Meeting Law, the list of documents that were either distributed to the Amesbury Conservation Commission before the meeting in the packet or at the meeting.

1. Agenda
2. Agenda Guide